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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Islamic Federation of Student Organizations, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[5 April 1996]

1. It is the fervent wish of our NGO to have the opportunity to meet with the members of this august body in a pleasing atmosphere for the land that was once "the Switzerland of the East". Despite our wishes, we come here, year after year to narrate the terror being inflicted upon our people - the people of Kashmir - by India, which has occupied this land since 1947.

2. Mr. Jalil Andrabi, Chairman of the Kashmir Commission for Jurists, was scheduled to make this journey from Kashmir to present before the fifty-second session of the Commission on Human Rights an eye-witness account of Indian brutalities. He is not here because on 8 March 1996 the Indian Rashtriya Rifles stopped his car when he was driving along with his wife and took him away. His dead body was found floating in the river Jehlum with his eyeballs gouged out and his arms and legs cut. Last year, the Indian occupation forces murdered two renowned Kashmiri medical doctors, Dr. Abdul Ahad Guru and Dr. Farooq Ashai, under similar circumstances.

3. Soon after we got this news, we received the United States Department of State Country Report on Human Rights for 1995. This report cites Indian police and paramilitary forces for using torture during interrogations in occupied Kashmir. The report notes that these practices include beating, rape, burning with cigarettes and hot rods, suspension by the feet, crushing of limbs by heavy rollers and electric shocks. It states that because many "torture victims die in custody, and others are afraid to speak out, there are few first-hand accounts, although the marks of torture have been found on bodies of deceased detainees". The report adds that the "rape of persons in custody is part of the broader pattern of custodial abuse" being practised in Kashmir.

4. The horror stories contained in the report of the State Department are similar to the hair-raising reports issued by human rights organizations such as Amnesty International and Asia Watch. Last year, we placed before this body the report issued by Amnesty International. It required 125 pages to document some of India's crimes against my people.

5. In his report submitted on 7 December 1993, Mr. Bacre Waly Ndiaye, the Special Rapporteur on extrajudicial, summary or arbitrary executions, voiced his concern over the continued violation of the right to life in occupied Kashmir.

6. All these reports testify that a massive campaign of brutal oppression has been launched by India since January 1990.

7. Various estimates are given of the death toll of civilians so far. Making due allowance for unintended exaggerations, the figure runs into several thousands. Countless individuals have been maimed and countless women molested and assaulted. Despite a faint murmur of protest in international circles and an occasional report in the world press, India has felt no pressure whatsoever to desist from its semi-genocidal campaign.

8. The gravity of the situation in Indian-occupied Kashmir is apparent not only from the armed encounters between Indian security forces and the local militant groups. Whatever be the level of violence in them and the number of casualties, the far more important and poignant aspect of the situation is the acute suffering of the whole population caused by frequent curfews, crackdown, disruption of normal daily life, stoppage of trade in diverse fields and general strikes launched in helpless protest against atrocities committed by the occupation regime. This is a situation without precedent in the South Asian subcontinent.

9. We must mention here that even in today's violent world, the behaviour of the Indian occupation regime in Kashmir is singular inasmuch as it has enjoyed total impunity. Not a word of condemnation has been uttered at the United Nations; not even a call on India to cease and desist from its near-genocidal campaign. This is not merely a case of passivity and inaction; in practical effect, it amounts to an abetment and encouragement of murderous tyranny. The matter becomes even more baffling in view of the fact that Kashmir, being the subject of an international dispute, cannot even remotely be regarded as falling within India's domestic jurisdiction. If tyranny is not condoned inside the territory of a Member State of the United Nations, is

there not greater reason for the United Nations to intervene when the territory is one whose disposition is to be determined through a fair vote under the impartial auspices of the world organization?

10. Now India is proposing to hold elections in the disputed territory of Kashmir. The All Parties Hurriyet Conference (APHC), an alliance of 34 political parties in Indian-occupied Kashmir, which represents the broader spectrum of the opinion of the people of Kashmir, has declared that it will boycott these farcical "elections" planned by India on 21 May 1996. This is because they do not fulfil the conditions of exercising the right of self-determination of the people of Kashmir as promised under United Nations resolutions. In fact, the resolution adopted at the 76th meeting of the United Nations Security Council on 24 January 1957 clearly

> "declares that the convening of a constituent assembly ... and any action that assembly may have taken or might attempt to take to determine the future shape and affiliation of the entire State or any part thereof, or action by the parties concerned in support of any such action by the assembly, would not constitute a disposition of the State in accordance with the above principle".

11. We would like to draw the attention of this Commission to the human urgency of the situation in Kashmir and the implications it has for the credibility of the United Nations which the Commission on Human Rights has done so much to strengthen and enhance. We are also mindful of the fact that the established procedures of the United Nations will not facilitate the speedy intervention that both the humanitarian and the political aspects of the situation in Kashmir call for urgently. However, the minimum that can be done to help bring relief and redress to the people of Kashmir is to request the Secretary-General of the United Nations to dispatch a fact-finding mission headed by a statesman or diplomatist of high international standing to report expeditiously on the situation in Kashmir. Such a mission could visit all parts of Jammu and Kashmir, as well as the capitals of both India and Pakistan, and verify the truth of allegations from either side. The matter is much too urgent to be relegated to the routine mechanisms of the Commission on Human Rights and the various bodies established to monitor various conventions.